IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30217 of 2007(V)

PETITIONER:

S.JAYA, H.S.A.(HIGHER GRADE),
S.S.P.B. HIGH SCHOOL(AIDED),
KADAKKAVUR, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.B.JAYASURYA

RESPONDENTS:

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1. P.PADMAKUMAR, HEADMASTER,
S.S.P.B. HIGH SCHOOL(AIDED),
KADAKKAVUR, THIRUVANANTHAPURAM DIST.

2. THE MANAGER,
S.S.P.B. HIGH SCHOOL(AIDED),
KADAKKAVUR, THIRUVANANTHAPURAM DIST.

3. THE PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM.

5. THE COMMISSIONER FOR GOVERNMENT
EXAMINATIONS, POOJAPPURA, THIRUVANANTHAPURAM.

6. THE DISTRICT EDUCATION OFFICER,
OFFICE OF THE DISTRICT EDUCATION OFFICER,
ATTINGAL.

7. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI, A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 30217 OF 2007

Dated this the 11th day of October, 2007

JUDGMENT

The petitioner is working as High School Assistant (Higher Grade) at S.S.P.B. High School, Kadakkavoor. The petitioner is challenging Ext.P1 order of the Government of Kerala by which the Government accorded sanction to correct the date of birth of the 1st respondent, who is also a High School Assistant in the very same school where the petitioner is working, from 14.12.1952 to 31.10.1953 in his service book based on the correction effected by the Commissioner for Government Examinations in the Secondary School Leaving Certificate. The petitioner raises three contentions against the same. First is that the 1st respondent is applied for correction of date of birth twelve years after his entering into service which is not within the time stipulated as per the Government orders applicable to correction of date of birth. The second contention is that as per the

Government orders, the correction of date of birth in the SSLC book does not entitle a person to get automatic correction in the service book also and the Government has to consider the same independently. The third contention is that the documents relied upon for the purpose of correction of date of birth of the 1st respondent are sham documents.

2. Regarding the first contention, I note that Ext.P1, by which the 1st respondent's date of birth was directed to be corrected, is dated 2.9.1989. At the relevant time the Government orders prescribed only a time limit of two years prior to the date of retirement of the employee for applying for correction of date of birth. The limitation of five years from the date of entry into service was brought into force only in the Government order which was issued in 1991. That being so, that Government order cannot govern Ext.P1 at all. The 1st respondent has not retired from service even now. Therefore, he had applied for correction of date of birth within the period stipulated in the Government orders in force at the relevant time. As such there is no merit in the first contention.

3. Regarding the second contention, it is true that the correction of date of birth in the SSLC book could not

automatically make the person entitled to get correction of the date of birth in the service book. But that question has to be decided on the basis of the documents which have been relied upon for the purpose of correction of date of birth of the 1st respondent. Therefore, this has to be considered along with the third contention.

4. The third contention is that the documents relied upon by the government for the purpose of correction of date of birth of the 1st respondent are sham documents. The petitioner has not stated anywhere in the writ petition as to which are documents relied upon by the Government for the purpose of correction of date of birth except a blank statement in the writ petition that they are sham documents. The petitioner himself admits that the 1st respondent had produced birth certificate from the Registrar of Births. His contention is that the same should have been verified with reference to hospital records. I am unable to understand how the petitioner has got the idea that, that document is a sham document when a statutory authority has registered the date of birth of the 1st respondent and issued an extract of the said register. The petitioner has not made any serious attempt to

ascertain how the documents submitted by the 1st respondent are in any way unacceptable under law. Therefore there is no merit in the second and third contentions also. As such I am satisfied that the petitioner has not made out any case at all in this writ petition for interference with Ext.P1.

Accordingly, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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